

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 21, 2004. At the time of the Office Action, Claims 1-22 were pending in this Application. Claims 1-22 were rejected. Claims 1, 3 and 16 have been amended to further define various features of the presently claimed embodiments. Claim 17 has been canceled. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. §102**

##### *Claims 1, 2, 6, 7, 16, 18, 19, and 21*

Claims 1, 2, 6, 7, 16, 18, 19, and 21 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,615,375 issued to Farnaz Mounes-Toussi et al. ("Toussi"). Applicants traverse and submit that Toussi does not anticipate Claims 1, 2, 6, 7, 16, 18, 19 and 21.

Independent Claim 1, as amended, recites a method that utilizes a basic input and output system (BIOS) to detect "a memory error in a section of memory" and instruct "an operating system to discontinue use of the section of computer memory with the memory error." Similarly, Independent Claim 16 recites a program product in the form of a BIOS detecting errors within a section of memory and instruct an operating system to discontinue use of the section of the memory containing the error.

Examiner cites to Toussi as disclosing all of the limitations of Independent Claims 1 and 16. Toussi is generally directed at "a method and system adapted to check into for errors and, if an error is detected, determine if a valid copy of the data is available within the system." See Col. 2, Lines 64-66. Toussi discloses a memory controller 28 component to "access and examine the directory 29 that is used to keep track of the state of each memory block 30 in memory 26." Col. 5, Lines 48-50. Further, "[a]t step 308, the memory controller determines if the requested data is locally valid." Col. 5, Lines 50-51. Additionally, Toussi discloses that an operating system may be notified of error data "to allow the operating system to deal with the error." Col. 7, Lines 17-18. "For example, the operating system may

thus be able to end the current task of accessing failing area of memory before a fatal error occurs." Col. 7, Lines 18-20.

Applicants submit that Toussi fails to disclose teach or suggest that a BIOS acts to detect errors and instruct an operating to discontinue use of a failed portion of memory. Instead, Toussi discloses using a memory controller element and allowing an operating system to "deal with the error." By instructing an operating system to discontinue use of a section of memory containing an error, the presently claimed embodiments obviate the need (as taught by Toussi) to "deal with" an error.

Applicants submit that a rejection under §102 is not supported and request reconsideration, withdrawal of the §102 rejection and full allowance of Claims 1 and 16, and Claims 2,6,7,18,19 and 21 which depend therefrom.

**Rejections under 35 U.S.C. §103**

*Claims 3, 4, 8, 9, 10, 11, 13, 17, and 22*

Claims 3, 4, 8, 9, 10, 11, 13, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Toussi et al in view of U.S. Patent 5,245,615 issued to Albert R. Treu ("Treu"). Applicants traverse and submit that Toussi and Treu, either alone or in combination, fail to disclose each and every limitation of the claimed embodiments. In order to make obvious Applicant's claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Similar to Claims 1 and 16 discussed above, Independent Claims 8 and 22 recite the use of a BIOS to detect a memory error in a section of computer memory and instruct the operating system to discontinue use of the section of computer memory with the memory error. As discussed above, Toussi fails to disclose these features.

The Treu reference relates generally to a diagnostic system. See Col. 1, Lines 6-8. More specifically, Treu discloses an error log for entering error information that has been detected during operation of the system. See Col. 4, Lines 15-17. The error log may then be used "to determine whether the computer can be reconfigured in step 114 so as to allow the computer to be operated even though a non-critical error has occurred." Additionally:

A non-critical error is one where the system can still be operated in some fashion but at a degraded level. For example, if a printer has developed a fault, the computer can be operated using monitor 68 as an output device. A critical error is one where further operational state cannot be maintained. Examples are losing a large block of memory 36, or losing use of drive 24 (C: drive).

Col. 4, Lines 25-33.

Clearly, Treu also fails to disclose a BIOS for detecting errors in a section of memory and instructing an operating system to discontinue use of the section of memory containing an error. Instead, Treu implies that a failure of a large block of memory may be a critical error. Accordingly, Toussi and Treu individually or in combination, fail to disclose each and every limitation of Claims 3, 4, 8, 9, 10, 11, 13 and 22. For at least these reasons, Applicants request reconsideration, withdrawal of the rejections under §103(a) and full allowance of Claims 3, 4, 8, 9, 10, 11, 13 and 22.

*Claims 5, 7, 12, 14 and 20*

Claims 5 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Toussi et al. in view of Advanced Configuration and Power Interface Specification by Compaq Computer Corporation dated July 27, 2000 ("ACPI Specification"). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Toussi et al. in view of Treu, and further in view of ACPI Specification. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Toussi et al. in view of U.S. Patent 5,974,564 issued to Jeddeloh ("Jeddeloh"). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Toussi et al. in view of Treu, and further in view of Jeddeloh.

Applicants submit that Claims 5, 7, 12, 14 and 20 depend from base claims that have now been placed in condition for allowance. Applicants request reconsideration, withdrawal of the rejections under §103(a) and full allowance of Claims 5, 7, 12, 14 and 20.

**CONCLUSION**

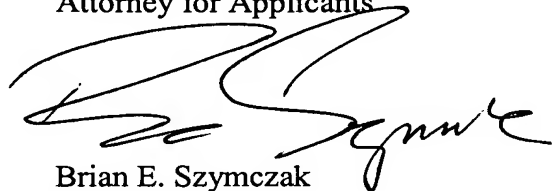
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of remaining Claims 1 - 22, as amended.

The Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

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